

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-309 of 2026

Applicant: Sonharo @ Khabro son of Qurban,
Through Mr. Muhammad Ayoub Magsi, Advocate.

Complainant: Abdul Khaliq son of Faiz Muhammad.
Through Mr. Muhammad Iqbal Kaim Khani,
Advocate.

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Criminal Bail Application No.S-310 of 2026

Applicant: Sonharo @ Khabro son of Qurban,
Through Mr. Muhammad Ayoub Magsi, Advocate.

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Criminal Bail Application No.S-325 of 2026

Applicants: 1. Ahsan Ali son of Muhammad Khan.
2. Ali Sher @ Sheru son of Umaid Ali,
Through Mr. Iqrar Ali Panhwar, Advocate.

Complainant: Abdul Khaliq son of Faiz Muhammad.
Through Mr. Muhammad Iqbal Kaim Khani,
Advocate.

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Criminal Bail Application No.S-326 of 2026

Applicant: Ali Sher @ Sheru son of Umaid Ali,
Through Mr. Iqrar Ali Panhwar, Advocate

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Criminal Bail Application No.S-327 of 2026

Applicant: Ahsan Ali son of Muhammad Khan.
Through Mr. Iqrar Ali Panhwar, Advocate

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Date of Hearing: 14.07.2026.

Date of Order: 20.07.2026.

O R D E R

Khalid Hussain Shahani, J.:- The applicants, Sonharo @ Khabro, Ahsan Ali, and Ali Sher @ Sheru, seek post-arrest bail in a case bearing Crime No. 34 of 2026, registered under Section 395, P.P.C. at Police Station Perumal, and its offshoot F.I.Rs. No. 36, 37, and 38 of 2026, each registered under Section 24 of the Sindh Arms Act, 2013, at the same Police Station. Their identical prayers were declined by the learned Additional Sessions Judge-I/MCTC, Sanghar, vide orders dated 18.05.2026 and 09.06.2026. Given the shared factual matrix and the common legal questions arising therefrom, these applications are disposed of by this consolidated order.

2. The prosecution narrative, as unfolded in F.I.R. No. 34 of 2026 lodged on 07.05.2026 at 2230 hours, is that the complainant, a caretaker at a petrol unit on the Perumal–Kandiari Road, was proceeding on 29.04.2026 at night, along with his cousin Abdul Sattar and one Ghulam Shafi, to procure petrol via a phata rickshaw laden with drums. Near Akeli Qabar, at about 9:00 p.m., the party allegedly encountered five persons, one unmasked, four with muffled faces, stationed beside two red motorcycles. The accused are said to have blocked the rickshaw, encircled the complainant's party, and, upon resistance, exposed their faces, thereby permitting identification, in the rickshaw's headlamp glow, as Ahsan Ali, Ali Sher @ Sheru, Manzoor, Sonharo @ Khabro, and an unknown fifth accused. It is alleged that Ahsan Ali and Ali Sher drew pistols, cowing the complainant's party into silence, whereupon Ali Sher extracted Rs. 90,000/- from the complainant's pocket and Manzoor seized his CNIC and mobile phone (IMEI Nos. 350613380699997 and 350613385540071). The accused thereafter fled toward Kandiari. The complainant's subsequent overture to Ali Sher's elders for an amicable resolution having failed, the F.I.R. was registered.

3. F.I.R. No. 36 of 2026, lodged by Inspector Basharat Ali Mallah on 10.05.2026 at 1800 hours, narrates that a police party, dispatched to investigate Crime No. 34/2026, intercepted three motorcyclists near Fageer Abad on information furnished by the complainant and his witnesses. The riders were identified as Ali Sher, Ahsan Ali, and Sonharo, and arrested. Personal search is said to have yielded, from each accused respectively, an unlicensed 30-bore pistol with live ammunition, together with cash sums of Rs. 5,000/-, Rs. 4,000/-, and Rs. 3,000/-, and an Infinix mobile phone from Ali Sher, purportedly identified by the complainant as the robbed handset. The accused are alleged to have confessed that the recovered cash represented the unspent remainder of the robbed amount. The recovered articles were sealed into parcels "A" through "F", and the motorcycle used bearing Engine No. DSE-1929985 and Chassis No. DSC-2931523, was taken into custody. The instant F.I.R. was registered against Ali Sher under Section 24 of the Sindh Arms Act, 2013, with separate proceedings

contemplated against the co-accused.

4. F.I.R. No. 37 of 2026, lodged the same day at 1915 hours, relates to the recovery of an unlicensed 30-bore pistol, with three live rounds, from Ahsan Ali's possession during the aforesaid search.

5. F.I.R. No. 38 of 2026, lodged at 1930 hours, similarly relates to the recovery of an unlicensed 30-bore pistol, with three live rounds, from Sonharo @ Khabro's possession.

6. Learned counsel for the applicants pressed that their clients stand falsely implicated through mala fide design, the F.I.R. being vitiated by an unexplained eight days delay that strips the prosecution version of spontaneity and lends credence to the defence of false implication. It was urged that the selective robbery of the complainant alone, to the exclusion of his two companions, is inherently improbable and offends ordinary human conduct. Counsel further highlighted the glaring omission of the mobile phone's IMEI number from both the recovery F.I.R. and the mashirnama, despite the investigating officer's meticulous recording of the motorcycle's engine and chassis numbers, as betraying the fabricated character of the recovery. It was also submitted that the investigation stands concluded, with the report under Section 173, Cr.P.C. already submitted, rendering further detention purposeless. Reliance was placed on *Shehroze and another v. The State* (2006 YLR 3167), and *Atta Muhammad v. The State* (2020 P.Cr.L.J. 1221).

7. Learned D.P.G., assisted by learned counsel for the complainant, resisted the applications, contending that the applicants stand specifically nominated with defined roles, fully corroborated by the witnesses; that the robbery of cash and mobile phone, together with recovery of unlicensed arms, stands duly established; that the offence attracts the prohibitory clause of Section 497(1), Cr.P.C.; and that Ali Sher bears a prior criminal antecedent. Reliance was placed on *Javed Awan v. The State* (2011 P.Cr.L.J. 790), praying for dismissal.

8. I have heard learned counsel for the applicants, learned D.P.G. assisted by learned counsel for the complainant, and have examined

the record with their able assistance.

9. The occurrence is dated 29.04.2026, yet the F.I.R. was not lodged until 07.05.2026, a silence of eight days that speaks louder than the complainant's belated explanation. The plea of an attempted amicable settlement through the accused's elders rings hollow and, at this tentative stage, fails to withstand scrutiny. It is a settled tenet of criminal jurisprudence that delay of this magnitude, left unexplained or unconvincingly explained, is not a mere procedural blemish but a substantive infirmity: it affords fertile ground for deliberation, consultation, and embellishment, draining the prosecution version of its spontaneity and lending real, not illusory, weight to the plea of false implication at the bail stage.

10. More damaging still is the prosecution's own admission that the complainant travelled in the company of two others, yet the accused armed and outnumbering their victims are alleged to have robbed the complainant alone, leaving his companions untouched and unmolested. Such selective restraint by armed assailants, in the dead of night, defies both common sense and the ordinary grammar of criminal conduct. This is not a minor wrinkle to be smoothed over at trial; it strikes at the very plausibility of the occurrence as narrated and, at this stage, tilts the scale toward doubt.

11. The prosecution's case suffers a further, and perhaps fatal, contradiction. Having taken the trouble to specifically record the IMEI numbers of the robbed mobile phone in F.I.R. No. 34/2026, the investigating officer, when purportedly recovering that very phone from Ali Sher, fell conspicuously silent on the one detail that could have conclusively anchored its identity. Yet the same officer found time and diligence enough to record, with precision, the engine and chassis numbers of the recovered motorcycle. This selective meticulousness, applied to the trivial and withheld from the crucial, does not read as oversight; it reads as design. Such an omission, at the very least, casts a long shadow over the genuineness of the recovery and firmly plants this case within the "further inquiry" contemplated by Section 497(2), Cr.P.C.

12. Nor can the timing of the recoveries be brushed aside. Cash, mobile phone, and unlicensed weapons all surfaced simultaneously, in one continuous transaction, from applicants already in police custody. The defence's charge of foisting is not a speculative flourish, it is a live and substantial question that the prosecution must answer with evidence, not assertion. Whether these recoveries are genuine or manufactured to buttress a shaky main case is precisely the sort of controversy that Section 497(2) reserves for trial, not for resolution at the threshold.

13. The recoveries of unlicensed weapons in the connected Arms Act cases cannot be viewed in isolation; they are the offspring of the same arrest, born of the same investigation, and tainted by the same infirmities. They must rise or fall with the evidence led in the principal case and shall abide the trial Court's appreciation accordingly.

14. It is not disputed that the investigation stands closed and the report under Section 173, Cr.P.C. already submitted. To keep the applicants behind bars thereafter serves no investigative end, it becomes punishment without trial, a consequence the law does not sanction at this stage.

15. Taken individually, each of these circumstances might invite caution; taken together, they compel a conclusion. The unexplained delay, the improbable selectivity of the alleged robbery, the glaring and unexplained silence on the IMEI number despite its own prior disclosure, and the unresolved suspicion surrounding the recoveries, these are not scattered doubts but a converging pattern that squarely brings this case within the ambit of "further inquiry" under Section 497(2), Cr.P.C.

16. As to the plea of Ali Sher's prior criminal antecedent, it is trite that mere registration of an earlier F.I.R., unaccompanied by proof of conviction before a competent Court, cannot by itself operate as a bar to bail. No material evidencing conviction has been placed on record; the bare allegation of prior involvement, therefore, carries no decisive weight, particularly where the present case independently warrants

further inquiry.

17. In consequence, the instant bail applications are allowed. The applicants Sonharo @ Khabro, Ahsan Ali, and Ali Sher @ Sheru are admitted to bail, subject to furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) each, in each crime, along with a P.R. bond in the like amount, to the satisfaction of the learned trial Court.

18. It is clarified, lest any doubt persist, that the observations herein are strictly tentative and shall not prejudice either party's case at trial. The applications stand disposed of accordingly.

JUDGE

Adnan Ashraf Nizamani